

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Universal Am-Can, Ltd.

v.

Civil No. 11-cv-30-LM

Concrete Systems, Inc.

**NOTICE OF RULING**

Re: Document No. 55, Emergency MOTION in Limine to Preclude New Evidence Not Previously Disclosed During Discovery and Contrary to the Undisputed Facts as Found by the Court in its Summary Judgment Motion

Ruling: Granted in part and denied in part: Prayers a & b are denied; prayer c is granted. A hearing on document no. 55 was held via telephone on May 18, 2012. For the reasons stated on the record during the hearing, the court denied the request to preclude the testimony of Mr. Falco at issue in the motion (prayers a & b). The court further ruled: (1) Mr. Falco's deposition shall be taken at Universal's request on Monday, May 21, 2012, and at CSI's expense, and the transcript shall be produced on an expedited basis, also at CSI's expense; (2) all reasonable attorney's fees and costs expended by Universal in litigating document no. 55 (prayer c) and taking Mr. Falco's deposition shall be paid by CSI within 30 days of receipt of the invoices (to the extent there are disputes regarding reasonableness, those shall be brought to the court's attention via motion filed within 45 days following receipt of the invoices -- although the parties are encouraged to negotiate any disputes and resolve them without court intervention); and (3) the trial currently scheduled to occur on May 22, 2012, is continued one day, to begin on May 23, 2012.

  
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Landya McCafferty  
United States Magistrate

Date: May 21, 2012

cc: Matthew R. Johnson, Esq.  
Michael J. Tierney, Esq.  
Brian R. Moushegian, Esq.  
Marc R. Scheer, Esq.